IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 10395 of 1995

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RAJKOT CANCER SOCIETY - Petitioner(s)
Versus
RAJKOT MUNICIPAL CORPORATION - Respondent(s)

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Appearance :

MR ND BUCH for NANAVATY ADVOCATES for Petitioner(s) : 1,
MR RM CHHAYA for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 02/04/2007

ORAL JUDGMENT

1. Shri N.D. Buch, learned counsel for the petitioner; Shri R.M. Chhaya, learned counsel for the respondent Corporation.
2. Shri Buch submits that he has been informed by

the petitioner that the building in dispute now is not being used for hospital purposes as the petitioner society has already raised construction at some other place.

3. As the petitioner is not using the property for hospital purpose and there are no other grounds available to the petitioner to challenge the acquisition proposed by the Municipal Corporation, Shri Buch, learned counsel for the petitioner submits that the petition may be disposed of with a direction that the Corporation shall take further action in accordance with Sections 210 to 216 of the Bombay Provincial Municipal Corporation Act, 1949. Shri Chhaya submits that the Corporation will act in accordance with law and directions to be issued by this Court. The petition is disposed of with the directions that the Corporation shall proceed with the matter in accordance with Sections 210 to 216 of the BPMC Act. Rule is discharged accordingly. No costs. Interim relief, if any, is vacated.

[R.S. GARG, J.]

pirzada/-